BILL NO. S-85-06-21

SPECIAL ORDINANCE NO. S-125-85

ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT REVENUE BOND, SERIES 1985 (WEINGART, INCORPORATED PROJECT)" AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Weingart, Incorporated Project regarding the financing of proposed economic development facilities for Weingart, Incorporated and the Fort Wayne Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on June 20, 1985, and also adopted a resolution on June 20, 1985, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Weingart, Incorporated complies with the purposes and provisions of I.C. 36-7-11.9 and 12 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council, has considered the issue of adverse competitive effect and has approved the forms of and has transmitted for approval by the Common Council the Trust Indenture, Loan Agreement, Mortgage and Security Agreement and Guaranty Agreement; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

Section 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to

Weingart, Incorporated for the acquisition, construction and rehabilitation of such facilities and the equipping thereof, payment of the revenue bonds by the payments of Weingart, Incorporated under the Loan Agreement, complies with the purposes and provisions of I.C. 36-7-11.9 and 12 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

Section 2. The economic development facilities will consist of construction of a 30,000 sq. ft. steel manufacturing building, including parking lot, mechanical equipment and offices, and equipping same, and laboratory, test, office, design, and CAD equipment and machines as more particularly described on the attached Exhibit "A" for placement in said building, located at 1470 Lima Road, within the town limits of Huntertown, Indiana, including costs of issuance (the "Project").

Section 3. At the public hearing held by the Fort Wayne Economic Development Commission, the Commission considered whether the economic development facilities would have an adverse competitive effect on any similar facilities located in the City of Fort Wayne, and found, based on special findings of fact set forth in the Resolution transmitted hereto, that the facilities would not have an adverse competitive effect. This Common Council hereby confirms the findings set forth in the Commission's Resolution, and concludes that the economic development facilities will not have an adverse competitive effect on any other similar facilities in the City of Fort Wayne, and the facilities will be of benefit to the health and welfare of the citizens of the City of Fort Wayne.

Section 4. The substantially final forms of the Trust Indenture, Loan Agreement, Mortgage and Security Agreement and Guaranty Agreement, are hereby approved and each shall be incorporated herein by reference and shall be inserted in the

minutes of the Common Council and kept on file by the Clerk. In accordance with the provisions of I.C. 36-1-5-4, two (2) copies of each of said documents are on file in the office of the Clerk for public inspection.

Section 5. The City of Fort Wayne shall issue its Economic Development Revenue Bonds, Series 1985 (Weingart, Incorporated Project) in the total principal amount of Eight Hundred Thousand Dollars ($800,000.00) and maturing July 1, 2000. Said bonds are to be issued for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Trust Indenture, Loan Agreement, and Mortgage and Security Agreement incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the payments made by Weingart, Incorporated under the Loan Agreement and as otherwise provided in the above described Mortgage and Trust Indenture. The bonds shall be issued in fully registered form in the denomination of $5,000 or any integral multiple thereof. The bonds shall be redeemable as provided in Article V of the Trust Indenture. Payments of principal and interest are payable in lawful money of the United States of America. Payments of principal are payable at the principal office of the Trustee or its successor in trust. Payments of interest are payable by check mailed to the registered owner as of the Record Date as provided in the Trust Indenture. The bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne, nor are the bonds payable in any manner from revenues raised by taxation.

Section 6. The Mayor and Clerk are authorized and directed to sell such bonds to the purchasers thereof at a price of not less than 100% of the principal amount thereof. The bonds

shall bear interest at a rate of interest per annum of 17%; or as otherwise described in the Trust Indenture.

Section 7. The Mayor and Clerk are authorized and directed to execute, attest, affix or imprint by any means the City seal to these documents to be executed by the City which are approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The Mayor and Clerk are hereby expressly authorized to approve any modifications or additions to the documents to be executed by the City which are approved herein which take place after the date of this Ordinance with the review and advice of the City Attorney; it being the express understanding of this Common Council that said documents to be executed by the City are in substantially final form as of the date of this Ordinance. The approval of said modifications or additions shall be conclusively evidenced by the execution and attestation thereof and the affixing of the seal thereto or the imprinting of the seal thereof; provided, however, that no such modification or addition shall change the maximum principal amount of, interest rate on or term of the bonds as approved by the Common Council by this Ordinance without further consideration by the Common Council. The signatures of the Mayor and Clerk on the bonds may be either manual or facsimile signatures. The Clerk is authorized to arrange for delivery of such bonds to the Trustee named in the Trust Indenture, and payment for the bonds will be made to the Trustee named in the Trust Indenture and after such payment the bonds will be delivered by the Trustee to the purchaser thereof. The Mayor and Clerk shall execute and the Clerk shall deliver the bonds to the Trustee within ninety days of the adoption of this ordinance. The bonds shall be dated the date of authentication thereof.

Section 8. The provisions of this Ordinance and the

Trust Indenture securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development Revenue Bonds, Series 1985 (Weingart, Incorporated Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

Section 9. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

COUNCILMAN

ADOPTED BY ECONOMIC DEVELOPMENT COMMISSION
AND APPROVED AS TO FORM.

John J. Wernet

John J. Wernet, Attorney for the
Economic Development Commission
Dated this 20 day of June, 1985

APPROVED AS TO FORM AND LEGALITY.

Bruce O. Boxberger, City Attorney
Dated this 20 day of June, 1985

FOX RIVER BOND
25% COTTON

Read the first time in full and on motion by Eisbart seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the ~~Council Chambers, City-County Building~~, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ____.M.,E.S.T.

DATE: 6-25-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	8			1	
BRADBURY				✓	
BURNS	✓				
EISBART	✓				
GiaQUINTA	✓				
HENRY	✓				
REDD	✓				
SCHMIDT	✓				
STIER	✓				
TALARICO	✓				

DATE: 8-9-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (~~RESOLUTION~~) NO. G-85-85-5

on the 9th day of July, 19 85,

ATTEST: (SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. Giaquinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of July, 19 85, at the hour of 11:30 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of July, 19 85, at the hour of 9 o'clock A.M.,E.S.T.

Paul R. Helmke
~~NEN MOSES, JR.~~, MAYOR

PROJECT EQUIPMENT

Laboratory Equipment

1)	Hi-low temperature chamber large 12 cubic feet. With high speed fans 50 to 150°C, 2-stage compressor 1 hour to achieve hi temperature
(5-6)	Thermotron 1.22 cubic feet ovens, table top, mechanical
(4-5)	Blue-M static heat soak ovens
1)	Humidity chamber
1)	Thermo shock tester
1)	Salt spray tester
1)	Autoclave (steam tester)
1)	Vibration tester vertical
(5-10)	Power supplies Sorensen various voltage, ranges and ampactities
1)	Tension tester
1)	Solderability tester with a mechanical immersion mechanism
1)	Wash tester
1)	Immersion tester
1)	Flammability tester
1)	Transient voltage tester
1)	Shock tester
1)	Moisture resistance tester

Test Equipment

Hewlett-Packard 9825 calulator
Hewlett-Packard 9825 custom calulator system
Hewlett-Packard 3456A DVM
Hewlett-Packard 4282A capacitance meter
Hewlett-Packard 4270A LCR meter
Hewlett-Packard 4275A LCR meter
General Radio GR-1640A megohmeter
Tektronix 575 & 526 curve tracers
Various laboratory power supplies
Custom load dump fixture
Custom load boards

Office Equipment

Business computer
(2) IBM typewriters
Remote terminals X5
Furniture

Design Equipment

Drawing tables X20
Drawing Machines X20
Desks and chairs X20

CAD Equipment

Telesis T200 Stand-alone system
H.P. # 7585 Pen plotter, E-size

Exhibit "A"

Matrix printer interface
Dymanic graphics (Roam and Zoom)

Machines

10,000 lb. lift truck
Hone
Radial Drill
C.N.C. mill (15 H.P.)
Spot welder
1 H.P. Bridgeport mill
15 H.P. C.N.C. Lathe
Electrical Test cart
Crane overhead
2 1/2 ton truck (flatbed)
Boring mill or Jig bore
Internal grinder
Surface grinder
Sheet metal brake
Sheet metal shear

BILL NO. S-85-06-21

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN (ORDINANCE) (~~RESOLUTION~~) AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT REVENUE BOND, SERIES 1985 (WEINGART, INCORPORATED PROJECT)" AND APPROVING OTHER ACTIONS IN RESPECT THERETO

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (~~RESOLUTION~~) DO PASS DO NOT PASS WITHDRAWN

YES		NO
	BEN A. EISBART CHAIRMAN	
	JANET G. BRADBURY VICE CHAIRWOMAN	
Samuel J. Talarico	SAMUEL J. TALARICO	
Thomas C. Henry	THOMAS C. HENRY	
	JAMES S. STIER	

CONCURRED IN 7-9-85

SANDRA E. KENNEDY
CITY CLERK